

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution/Order to Vacate the Alley North of

East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

MEETING DATE: October 20, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council, after hearing input from property owners, take the

appropriate action on this proposed abandonment.

BACKGROUND INFORMATION: The City Council, at its last meeting of October 6, 1993, rescheduled

this public hearing in order that the property owners could be notified of the exact date the Planning Commission would be hearing the matter. This public hearing was rescheduled to October 20, 1993,

under the attached Council Communication. The notice, attached as Exhibit A, was mailed to all adjacent property owners and hand-delivered to all occupants.

The Planning Commission heard this item at their meeting of October 11, 1993. There were only two parties who spoke in opposition to the abandonment and they both represented the 2°1 Club which owns parcels 22, 24 and 25 as shown on Exhibit B. Their concern with the abandonment involved the two-way alley entrance/exit which is used by both the 211 Club and the adjacent Arco AM/PM Mini Mart.

The City Clerk received a letter from the owners of 519, 527 and 533 East Lodi Avenue indicating they are opposed to the alley vacation. A copy of this letter is attached as Exhibit C. As part of the initial noticing of this public hearing, all parcels within 300 feet were notified. As part of the notice, the exhibit showing the exact alley abandonment was inadvertently omitted. These three parcels do not front the proposed alley abandonment. The west end of the proposed abandonment abuts the north 10 feet of the east property line of the parcel at 533 East Lodi Avenue. In contacting the owners of these properties, we found that they are aware that alley access will continue to be available to their property from Garfield Street but are still opposed to the proposed alley abandonment. It is their feeling that the existing 10-foot wide abutment to the alley east of their properties may be important to their future development plans. They plan to attend the public hearing to share their concerns with Council.

The Planning Commission made the finding that there was no public need for the subject alley if the following conditions were met:

1. That a public utility easement be retained over the 20-foot alley to provide for existing utilities.

APPROVED.

THOMAS A. PETERSON

City Manager



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Public Hearing to Consider R lution/Order to Vacate the Alley Nort. East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane October 20, 1993
Page 2

2. That the owner of parcels 22, 24 and 25 enter into a crossover agreement with the owner of parcel 48 for the 120 feet of alley immediately east of Cherokee Lane common to both owners.

If the crossover agreement could not be worked out between the two parties, it was recommended that only the westerly 160 feet be abandoned.

At the writing of this Council Communication, Public Works staff has scheduled a meeting with Arco for Monday, October 18, 1993, to review this matter in the field. We are hoping to bring the Council a resolution of this matter at the rescheduled public hearing or at least have the parties involved describe their concerns in order that the Council can take appropriate action.

FUNDING: Not applicable.

Jack L. Ronsko

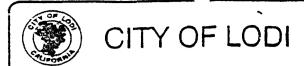
Public Works Director

JLR/lm

Attachments

cc: City Attorney
Adjacent property owners





COUNCIL COMMUNICATION

AGEN	TITI	⊏.	Reschi

chedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of

East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to

October 20, 1993

MEETING DATE: October 6, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council reschedule the public hearing to October 20, 1993.

EACKGROUND INFORMATION: At its regular meeting of September 1, 1993, the City Council adopted a resolution of intention to vacate an alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, reserving, however, and excepting from the

vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley; and referred the matter to the Planning Commission to make the finding that there is no public need for this alley right of way.

Pacific Bell, King Videocable, PG&E, and City of Lodi utilities have all indicated the proposed abandonment is acceptable if it is approved on the condition that a permanent easement be reserved as indicated above.

The west 160.76-foot portion of this alley has never been improved (dirt) and has never been opened to vehicular traffic. In addition, the alley has been an ongoing maintenance problem for trash removal and weed abatement. City staff initiated this alley abandonment in an effort to eliminate these maintenance costs.

The Planning Commission was scheduled to hear this matter at its meeting of September 27, 1993. However, due to the number of properties involved, and the fact that the posting of the property did not specify the date the Planning Commission was going to meet and discuss this matter, the Planning Commission continued the discussion to its next meeting of October 11, 1993. We are, therefore, notifying all of the property owners involved, by sending them a copy of this Council Communication, that the proposed public hearing is being rescheduled to October 20, 1993. It is requested that these property owners provide input to the Planning Commission, on October 11, 1993, whether or not they desire the existing alley right of way to be abandoned.

THOMAS A. PETERSON City Manager



Reschedule Public Hearing to insider Resolution/Order to Vacate thought North of East Lodi Avenue, from Cherukee Lane to 280 Feet West of Cherokee Line, to October 20, 1993 October 6, 1993 Page 2

In the past, the property owner notification was provided only to meet the requirements of the law. In the future, in addition to posting the property, a letter will also be sent to each property owner involved. This letter will include not only the date of the Council public hearing but also the date the Planning Commission will meet to make the finding on public need. This item will, therefore, be brought back to the City Council for the rescheduled public hearing on October 20, 1993.

FUNDING: Not applicable.

Jack L. Ronsko Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/Im

Attachment

cc: City Attorney Community Development Director Affected property owners

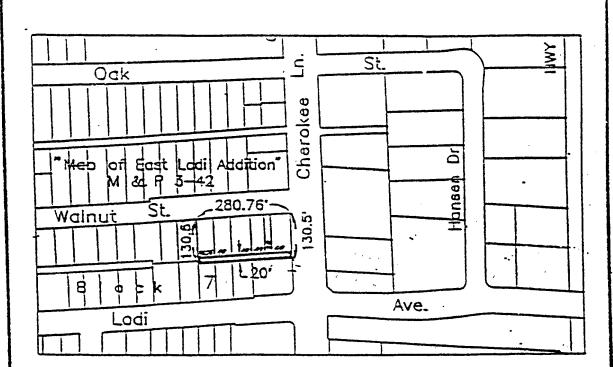


CITY OF LODI

PUELIC WORKS DEPARTMENT

A RELEADED

ALLEY ABANDONMENT



N.T.S.

CITY COUNCIL

PHILLIP A. PENNINO, Mayor JACK A. SIEGLOCK Mayor Pro Tempore RAY G. DAVENPORT STEPHEN J. MANN JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET P.O. BOX 3006 LODI, CALIFORNIA 95241-1910 (209) 334-5634 FAX (209) 333-6795

October 1, 1993

THOMAS A. PETERSON City Manager

IENNIFER M. PERRIN City Clerk

BOB McNATT

City Attorney

SUBJECT: Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to October 20, 1993

This is to inform you that the public hearing scheduled for October 6, 1993, related to the above alley abandonment, has been rescheduled to October 20, 1993. Enclosed is a Council Communication which explains the reason for rescheduling.

This Council Communication also informs you, the property owner, that the Planning Commission will be bearing this matter on October 11, 1993, to make a finding of whether or not there is a public need. You, as a property owner, may want to consider attending both the Planning Commission Meeting and the public hearing at the City Council Meeting to make your position and views known.

If you have any questions concerning this, please contact Sharon Welch or me at (209) 333-6706.

Jack L. Ronsko

Public Works Director

JLR/lm

Enclosure

cc: Occupant City Clerk

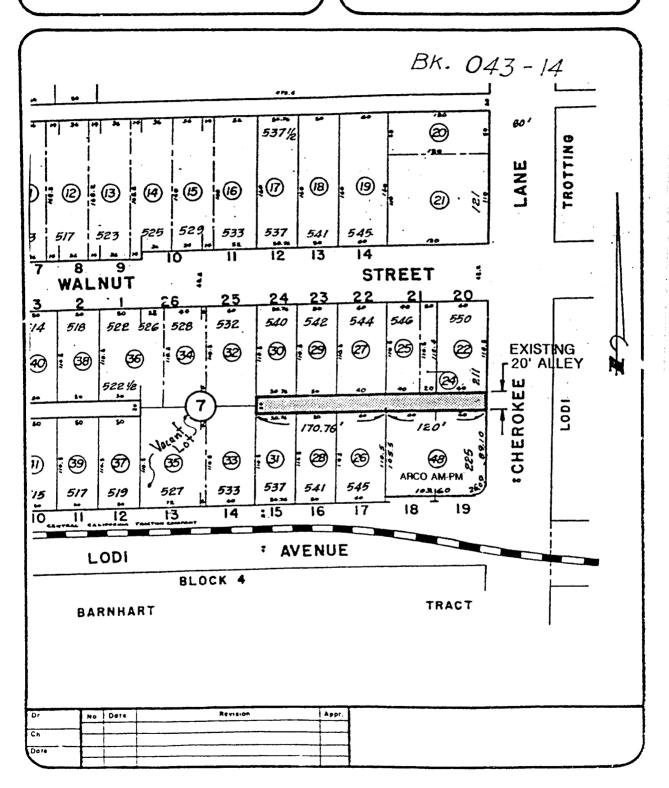
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CITY OF LODI

PUBLIC WORKS DEPARTMENT

ALLEY ABANDONMENT



RECEIVED

93 SEP 28 FH 1: 56

JENNIFER M. PERRIN
CITY CLERK
CITY OF LOUI

SEPTEMBER 27, 1983 520 VIRGINIA AVENUE LODI, CA. 95240 (209) 368-9180

JENNIFER M. PERRIN CITY CLERK CITY OF LODI 305 WEST PINE ST. LODI, CA. 96240

RE: PUBLIC HEARING OCTOBER 6, 1993 7:00 PM.

DEAR MS. PERRIN:

WE ARE THE OWNERS OF 519, 527 & 533 EAST LODI AVENUE AND WE WANT TO GO ON RECORD AS BEING OPPOSED TO THE CITIES INTENTION TO VACATE THE ALLEY.

AT THE TIME WE PURCHASED THE PARCELS WE WERE CONSIDERING BUILDING APARTMENTS OR BUILDING COMMERCIALLY SOMETIME IN THE FUTURE. WITH THIS IN MIND THE ALLEY ACCESS BECAME ONE OF THE MAIN REASONS FOR THE PURCHASES.

THE MORATORIUM ON APARTMENT BUILDING ON THE EAST SIDE TOOK AWAY OUR FIRST CHOICE FOR OUR INVESTMENT. AT THE PRESENT TIME THE VACANCY FACTOR OF COMMERCIAL BUILDINGS PUTS ON HOLD OUR SECOND CHOICE.

WE RESPECTFULLY SUBMIT THIS LETTER FOR CONSIDERATION BY THE CITY COUNCIL AT THE PUBLIC MEETING.

SINCERELY YOURS,

Dick & June Meunian

RESOLUTION NO. 93-1:

A RESOLUTION/ORDER OF THE LODI CITY COUNCIL VACATING THE ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO 280 FEET WEST OF CHEROKEE LANE

WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 1st day of September, 1993 pass and adopt a Resolution of Intention No. 93-107 therein declaring the intention of said City Council to vacate that portion of the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley, and more particularly described as follows, to wit:

The alley located north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, as shown on Exhibit A attached hereto:

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form and manner as required by law as is evidenced by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated in Resolution No. 93-107 and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, October 6, 1993, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto, at which time the Council rescheduled the public hearing to October 20, 1993 and notices were again mailed to all property owners and hand-delivered to all occupants; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated, and from the evidence submitted, the City Council of the City of Lodi did determine that said portion of said alley is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned that portion of

RES93134/TXTA.01V

The alley located north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: October 20, 1993

I hereby certify that the foregoing RESOLUTION/ORDER VACATING that portion of the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street, Lodi, California, with the conditions stated, was passed and adopted by the Lodi City Council in a regular meeting held October 20, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Jennifer M. Perrin City Clerk

CITY OF LODI 221 WEST PINE STREET LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT:

NOTICE OF CONTINUED PUBLIC HEARING - INTENTION TO VACATE THE ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO 280

FEET WEST OF CHEROKEE LANE

PUBLISH DATES: SATURDAY, OCTOBER 9, 1993

TEAR SHEETS WANTED:

THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: OCTOBER 6, 1993

ORDERED BY: Legy Nicolini
PEGGY NICOLINI

DEPUTY CITY CLERK

DECLARATION OF MAILING

On October 7, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 1993, at Lodi, California.

Jennifer M. Perrin City Clerk

Peggy Nicolini
Deputy City Clerk



NOTICE CONTINUED PUBLIC HEARING

Occuber 20, 1993 Date:

7:00 p.m. Time:

For information regarding this Public Hearing Please Contact:
Jennifer M. Perrin

City Clerk Telephone: 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

October 20, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a continued public hearing to consider the following matter:

Intention to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

(This matter has been referred to the Planning Commission and will be heard at it's regular meeting of October 11, 1993. Please contact the Community Development Department at (209) 333-6711 if you have any questions.)

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Jennifer M. Perrin

City Clerk

Dated: October 6, 1993

Approved as to form:

Bobby W. McNatt City Attorney

DECLARING THE INTENTION OF THE LODI CITY COUNCIL TO VACATE AN ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO 280 FEET WEST OF CHEROKEE LANE

BE IT RESCLVED by the Lodi City Council as follows:

Section 1. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 3 of Division 9 of the Streets and Highways Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

The alley located north of 225 South Charokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said alley, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

<u>Section 2.</u> This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where all persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Upon adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lcdi, said publication to be completed at least fifteen days prior to said hearing.

Dated:	September 1	, 1993		

RES93107/TXTA.02J

Resolution No. 93-107 September 1, 1993 Page Two

I hereby certify that Resolution No. 93-107 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

Ayes:

Council Members - Davenport, Mann, Sieglock, Snider

and Pennino (Mayor)

Noes:

Council Members - None

Absent:

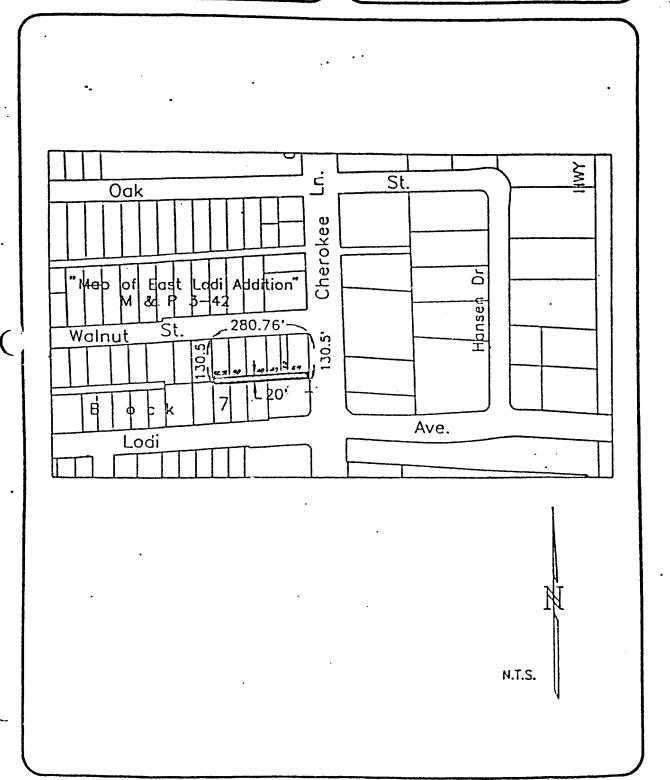
Council Members - None

ennifer N. Perri

City Clerk



CITY OF LODI ALLEY ARANDONMENT



MAILING LIST: ALLEY ABAM_ONM'T CHEROKEE/LODI AVE. ENV#85/TXTA.02J/ENV Vena M. Handel 523 E. Walnut Street Lodi, CA 95240 Lodi Retail Dev. Assôc 2680 North First Street #280 San Jose, CA 95134

Hazel Sattler 524 E. Lodi, Avenue Lodi, CA 95240 Peter Farragher ETAL 526 E. Lodi Ave. #1 Lodi, CA 95240 Lloyd & Mildred Gums 731 Birchwood Drive Lodi, CA 95240

Clayton G. Henson ETAL 520 E. Lodi Avenue Lodi, CA 95240 Joseph & Nancy Spinelli 516 E. Lodi Avenue Lodi, CA 95242

Wynston Margrave 6247 E. Jahant Road Acampo, CA 95220

William Rebholtz ETAL 545 E. Walnut Street Lodi, CA 95240 Emil & Billie Pansky 901 Jackling Drive Hillsborough, CA 94010

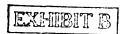
B & L Katzakian P.O. Box 1778 · Lodi, CA 95241

Roger & J.D. Bentz 1506 Mariposa Way Lodi, CA 95242 Staths & Areth Nicolau 541 E. Walnut Street Lodi, CA 95240 Central Calif. Traction Co. Atten: Howard Menking 1645 Cherokee Road Stockton, CA 95205

Ronald & L.R. Celis 525 E. Walnut Street Lodi, CA 95240 Bill & Anna Nicolaou 1502 Fir Avenue San Leandro, CA 94578 Alex & K. Nicolaou ETAL 2437 Brittany Court Lodi, CA 95242

Antonio & V. Hinojosa 514 E. Walnut Street Lodi, CA 95240 Thelma C. Horst 508 E. Walnut Street Lodi, CA 95240 Charles A. & J. Ouimette 517 E. Walnut Street Lodi, CA 95240

Penny A. Riemersma ETAL 528 E. Walnut Street Lodi, CA 95240 Stein, L.L. Life EST 2 Del Rio Court St. Helena CA 94574 Lennette L. Evans 2 Del Rio Court St. Helena CA 94574



Lorine Krein 540 E. Walnut Street Lodi, CA 95240

David A. & F.E. Meagher 532 E. Walnut Street Lodi, CA 95240

Michael A. & Jeane McQueen 518 Walnut Street Lodi, CA 95240

Douglas & E.M. McPherson 515 E. Lodi Avenue Lodi, CA 95240

George Richard Cecchetti Paul & Sheryll Salsedo
544 E. Walnut Street 542 E. Walnut Street Lodi, CA 95240

Lodi, CA 95240

Pamela J. Martinez ETAL 321 Greenway Drive Martinez, CA 94553

Isabel Simonds
517 3. Lodi Avenue Lodi, CA 95240

Louie Maurino 511 E. Lodi Avenue Lodi, CA 95240

Richard & J. Neuman 520 Virginia Avenue Lodi, CA 95242

Arthur Veil 11662 North Ham Lane #39 Lodi, CA 95242

Maria C. Gallo Arellano 541 East Lodi Avenue Lodi, CA 95242

Henry & Karen Hansen P.O. Box 437

Atlantic Richfield Co. P.O. Box 2485 Los Angeles, CA 90051

Randall H. Reiswig P.O. Box 494421 Redding CA 96049-4421

Carmelo J. & P.S. Teresi 14776 Wells Avenue Lodi, CA 95240

Jeannie Matsumoto

Sharon Blaufus

City Manager THOMAS A PETERSON

City Clerk HAMILER W. BERRIN

11VNDW 908

CILK OF LODI

5629444 (607) XV (**†£95†£**E (607) TODE CYFIEOBAIY 95741-1910 PO BOX 3006 CITY HALL, 221 WEST PINE STREET

October 1, 1993

IOHA & (Randy) SMIDER STEPHEN L MANU RAY C. DAVENPORT Mayor Pto Tempore PACK A. SIEGLOCK PHILLIP A PENUINO, Mayor

CITY COUNCIL

October 20, 1993 of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to SUBJECT: Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North

Communication which explains the reason for rescheduling. above siley abandonment, has been rescheduled to October 20, 1993. Enclosed is a Council This is to inform you that the public hearing scheduled for October 6, 1993, related to the

position and views known. Planning Commission Meeting and the public hearing at the City Council Meeting to make your not there is a public need. You, as a property owner, may want to consider attending both the Commission will be hearing this matter on October 11, 1993, to make a finding of whether or This Council Communication also informs you, the properly owner, that the Planning

If you have any questions concerning this, please contact Sharon Welch or me at

.8078-656 (602)

Public Works Director Jack L. Ronsko

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Enclosure

City Clerk cc: Occupant

PAMELA J MARTINEZ ET AL 321 GREENWAY DR MARTINEZ CA 94553

211 CLUB 211 S CHEROKEE LN **LODI CA 95240**

HILDENBRAND'S AM PM MINI MART 225 S CHEROKEE LN **LODI CA 95240**

LORINE KREIN ET AL 540 E WALNUT ST LODI CA 95240

OCCUPANT 537 E LODI AVE **LODI CA 95240** **KEVIN JANKE PEGGY'S GROOMING** 546 E WALNUT ST LODI CA 95240

GEORGE R CECCHETTI 544 E WALNUT ST **LODI CA 95240**

RANDALL H REISWIG P O BOX 494421 **REDDING CA 96049-4421**

PAUL & SHERYLL SALSEDO 542 E WALNUT ST LODI CA 95240

MARIA C GALLO ARELLANO 541 E LODI AVE **LODI CA 95240**

KENNETH R. ALBERG 550 E WALNUT ST LODI CA 95240

ATLANTIC RICHFIELD CO P O BOX 2485 LCS ANGELES CA 90051

ELSIE REISWIG 545 E LODI AVE **LODI CA 95240**

ARTHUR VEIL TRUSTEE 11662 N HAM LN #39 LOD! CA 95242

* merica 10/193

remainder hand-delivered 10/193

by PWDept. Sluff

CITY COUNCIL

PHILLIP A PENNINO, Mayor JACK A. SIEGLOCK Mayor Pro Tempore RAY G. DAVENPORT STEPHEN J. MANN JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET P.O. BOX 3006 LODI. CALIFORNIA 95241-1910 (209) 334-5644 FAX (209) 111-6795

October 14, 1993

THOMAS A PETERSON City Manager

IENNIFER M. PERRIN City Clerk

BOB MCNATT

City Attorney

SUBJECT: Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, October 20, 1993, at 7:00 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch or me at (209) 333-6706.

Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk